

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of

Applicants : Walter Keith Jones
Serial No. : 10/596,513
Filed : December 16, 2008
Title : **OLIGONUCLEOTIDE DECOYS AND METHODS OF USE**
Docket : 10738-103
Examiner : Wu Cheng Winston Shen
Art Unit : 1632
Confirmation No. : 7508

DECLARATION UNDER 37 CFR §1.131

Sir:

I, Walter Keith Jones, declare and state:

1. I am the inventor of the above-identified patent application.
2. I am familiar with the Office Action mailed July 7, 2011, including the rejections made by the Examiner therein. I am also familiar with Dzau et al., United States Patent Application Publication US 2003/0186922 (hereafter, "Dzau"), which was cited by the Examiner against the above-identified patent application. Dzau first published October 2, 2003.
3. On a date prior to October 2, 2003, I conceived of the subject matter of claims 1-17 and 19-33 of this patent application. All of the acts reported below were carried out in the United States.
4. On December 19, 2003, I constructively reduced this invention to practice by filing a provisional patent application with the United States Patent & Trademark Office (USPTO). That application was given serial number 60/531,399 by the USPTO. At least from a time prior to October 2, 2003, the publication date of Dzau, until December 19, 2003, the U.S. filing date of the instant application, I was diligent in my efforts to pursue patent protection. Due diligence in reduction to practice is evidenced by the following acts carried out by myself or by others working under my direction and control:

5. On May 5, 2003, I discussed construction of the oligonucleotide decoy concatemers with my lab group, as evidenced by notes made in a lab notebook recording a summary of our meeting (Exhibit A).

6. On June 13, 2003, Dr. Suiwen He, working under my direction, placed orders for the first oligonucleotide starting materials to begin construction of the decoys, as evidenced by the order forms dated June 13, 2003 (Exhibit B).

7. From the time the oligonucleotide starting materials were received, until the date of our constructive reduction to practice by virtue of the filing of U.S. Provisional Application 60/531,399 on December 19, 2003, Dr. Suiwen He continued to work, under my direction and control, on constructing the oligonucleotide decoys of the instant claims, as evidenced by an email sent to me by Dr. He on November 5, 2003, providing a status update (Exhibit C).

8. Further, I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application and any patent issued thereon.



Walter Keith Jones